



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Mayor Weinberger
Burlington City Council
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: February 17, 2022
RE: Proposed Amendment ZA-22-02: Permitting Adjustments

Overview & Background

Grouped together in this amendment proposal are three changes that facilitate the zoning permit process. Each one has been identified through routine administration of the *Comprehensive Development Ordinance*, and each is based on applicant and staff experience with the permit process. The proposed changes are:

- Eliminate the zoning permit requirement for changes among permitted non-residential uses (only the use) where no standards apply;
- Enable administrative review of flood hazard area zoning permits (unless otherwise trigger DRB review).

The Planning Commission unanimously endorsed this amendment, and support efforts to provide clarity and reduce permitting burdens on applicants in the City of Burlington.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

The intent of the proposed amendment is to facilitate the permitting process and to reduce unnecessary regulatory burden on applicants.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. No zoning permit required for change in use between permitted non-residential uses where no other standards apply.

Currently, any change from one use to another use requires a zoning permit. Often, the only zoning standard impacted by a change from one permitted non-residential use to another permitted non-residential use is the minimum on-site parking requirements. With the recent elimination of minimum parking requirements in some parts of the city, there have been a number of applications for non-residential changes in use that have been required to receive a zoning permits when there are no applicable standards to review them against. In such cases, there is no need to require a zoning permit. The proposed amendment defines a narrow exemption from the need for a zoning permit for changes in use between permitted non-residential uses.

2. Enable administrative review of flood hazard area zoning permits.

Currently, within the Special Flood Hazard Area (SFHA), all development requires DRB review and approval—regardless of the intensity of the project. This means substantially longer timeframes and greater expense for zoning permit review of things as simple as freestanding signs and tool sheds. The proposed amendment enables DPI to conduct administrative zoning permit review of applications within the SFHA for projects that would otherwise

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact the City Planning department or 711 if you are hearing or speech impaired.

qualify for administrative permit review if not in the SFHA. Other DRB review triggers such as development size, scope, and proposed use remain.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density. It reduces some unnecessary procedural and cost burdens in the permitting process while leaving standards as to land use and density intact.

Impact on Safe & Affordable Housing

The proposed amendment will reduce permitting costs for properties eligible for "basic" zoning permit review.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission 9/14/21	Approve for Public Hearing 9/14/21	Public Hearing 11/9/21	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte 12/20/21	Ordinance Cmte discussion 1/19/22	Ordinance Cmte recommend with a modification by staff to reduce redundancy with recently adopted ZA-21-08	Second Read & Public Hearing 2/22/22	CCOC Recommends Approval & Adoption